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 June 14, 2004

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VIA FAX, Overnight Mail & E-MAIL

Vicki Thomas
 Executive Director
 Joint Committee on Administrative Rules
 700 Stratton Building
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Dear Ms. Thomas:

As a representative of Verizon North, Inc. and Verizon South, Inc. (Verizon) I would like to make you aware that Verizon supports SBC's position set forth in their June 10, 2004 letter to you concerning references to special access in Title 83: Public Utilities, Chapter I: Illinois Commerce Commission SubChapter f: Telephone Companies Part 731, Wholesale Service Quality for Telecommunications Carriers (Part 731).

Measures and penalties for special Access Services should be excluded from the rule. Specifically, Section 13-712 of the Public Utility Act is titled "Basic local exchange service quality; customer credits." This statutory limitation is not somehow changed by the perceived "need" to address special access services, which are not basic local exchange services. The Illinois Commerce Commission's (ICC) statutory interpretation of this section violates the most basic of established statutory construction principles: in determining the legislative intent with respect to a particular statute, the statute must be viewed as a whole. *Collins v. Retirement Board of Policemen's Annuity and Benefit Fund—City of Chicago*, 779 N.E.2d 253, (Ill.App. 1st Dist.); *Reece v. Board of Education of the City of Chicago*, 328 Ill.App. 3d 773, 778 (1st Dist. 2002). A particular subsection of a statute cannot be viewed in isolation. (*Id.*) However, this is the approach adopted by the ICC.

In taking this approach, the ICC ignored the following factors that clearly demonstrate the General Assembly's intent for Section 13-712(g) to apply only to basic local exchange services:

Section 13-712 is entitled "Basic local exchange service quality; customer credits."

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Letter to Vicki Thomas, Executive Director, Joint Committee on Administrative Rules



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Subsection 13-712(a) explicitly states that the General Assembly's intent with respect to **all** of Section 13-712 is every telecommunications carrier meet minimum service quality standards in providing basic local exchange service on a non-discriminatory basis to all classes of customers...

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- Subsections 13-712 (b) - (f) all relate only to the provision of basic local exchange service quality;
- The Commission's Initiating Order already contains the correct interpretation of Subsection 13-712(g)—namely that it “**deals with basic local exchange service quality**,” and

Subsection 13-712(g) does not mention special access services, which, as no party disputes, are **not** a basic local exchange services.

When read as a whole, the plain language of the Act dictates that Subsection 13-712(g) applies only to basic local exchange services. Also, as a matter of policy, the record overwhelmingly demonstrates that there is no need to address special access services in the instant rulemaking. Indeed, with respect to Verizon, the record demonstrates that Verizon's special access performance is outstanding (See, Holland Reb., Verizon Ex. 6.0, pp. 3-13). As such, to address alleged unsupported problems in the record is poor regulatory policy and contrary to the ICC's legislative mandate to decrease carriers' regulatory burdens to the extent possible.

In addition, it states at the beginning of Section 13-712, “It is the intent of the General Assembly that every telecommunications carrier meet minimum service quality standards in providing basic local exchange service on a non-discriminatory basis to all classes of customers,” yet the establishment of a “special category of Level 1” imposes special access rules that apply to only two carriers, SBC and Verizon.

In conclusion, Verizon agrees with SBC concerning the exclusion of Special Access from Part 731 for the above stated reasons. Verizon respectfully requests that the Joint Committee on Administrative Rules make the determination that Special Access measures and remedies be excluded from Part 731.

Very truly yours

Philip J. Wood Jr.
Assistant Vice President-
Public Policy & External Affairs